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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

April 2, 2009

Project Name: Highway 67 Self Storage

Project Numbers: R08-001, P08-002, ER Log No. 08-14-001

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly

no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGICAL RESOURCES

1. Provide evidence to the satisfaction of the Director of Planning and Land Use that 0.04 acres of mulefat scrub or other Tier I habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X2]**
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.04 acres of mulefat scrub or other Tier I habitat located within the Multiple Species Conservation Program (MSCP) and in an area designated as PAMA or meeting the definition of a BRCA. A Resource Management Plan (RMP) for the mulefat scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

2. Provide evidence to the satisfaction of the Director of Planning and Land Use that 0.05 acres of coastal sage scrub or other Tier II habitat credit or higher has been secured in a mitigation bank approved by the California Department of Fish & Game, located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X2]**
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.05 acres of coastal sage scrub or other Tier II habitat located within the Multiple Species Conservation Program (MSCP) and in an area designated as PAMA or meeting the definition of a BRCA. A Resource Management Plan (RMP) for the coastal sage scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

3. Provide evidence to the satisfaction of the Director of Planning and Land Use that 0.07 acres of non-native grassland or other Tier III habitat credit or higher has been secured in a mitigation bank approved by the California Department of Fish & Game, located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X2]**
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.07 acres of non-native grassland or other Tier III habitat located within the Multiple Species Conservation Program (MSCP) and in an area designated as PAMA or meeting the definition of a BRCA. A Resource Management Plan (RMP) for the non-native grassland habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

4. "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of Coastal sage scrub habitat during the breeding season of the California Gnatcatcher. This is defined as occurring between February 15 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no California Gnatcatchers are present in the vicinity of the brushing, clearing or grading." **[DPLU, FEE]**
5. Provide the Director of Planning and Land Use with a copy of a Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands or provide evidence satisfactory to the Director of Planning and Land Use that such permit is not required. **[DPLU, FEE]**
6. Provide the Director of Planning and Land Use with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required. **[DPLU, FEE]**

C. GEOLOGIC HAZARDS

1. Provide a letter of certification by a California Registered Professional Engineer or Certified Engineering Geologist to the [DPLU, PCC], which states that the identified rock fall hazards at the site, identified in "Area A" in the February 4, 2009 Report of Geologic Reconnaissance prepared by DPLU have been mitigated and any proposed buildings are safe from rock fall hazards. The certification letter shall be accompanied with photo documentation of Area A before and after rock removal occurs.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. CULTURAL RESOURCES

1. Provide evidence to the satisfaction of the Director of Planning and Land Use (DPLU) that a County certified archaeologist has been contracted to implement a grading monitoring and data recovery program. A letter from the Principal Investigator shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines: **[DPLU, FEE]**
 - a. The project archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2007).
 - b. The County certified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2007).

- c. The project archaeologist shall monitor all areas identified for development including off-site improvements.
- d. An adequate number of monitors (archaeological/historical/ Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.
- e. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring, as determined by the Project Archaeologist of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
- f. Isolated and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- g. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.

- h. If any Native American burials, human skeletal or other remains including associated grave goods are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- i. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- j. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
- k. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning and Land Use prior to the issuance of any building permits. The report shall include Department of Parks and Recreation Primary and Archaeological Site forms.

- I. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.
2. Provide Evidence to the Director of Public Works (DPW) that the following notes have been placed on the Grading Plan:
 - a. The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - b. The project archaeologist shall monitor all areas identified for development including off-site improvements.
 - c. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring, as determined by the Project Archaeologist of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
 - d. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the

Principal investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.

- e. The archaeological monitor(s) and Native American monitor shall monitor all areas identified for development.
- f. If any Native American burials, human skeletal or other remains including associated grave goods are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- g. Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Principal Investigator. **[DPLU, FEE]**

B. PALOEONTOLOGICAL RESOURCES

- 1. Provide evidence to the satisfaction of the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans:
 - a. "This project site is has marginal to low levels of sensitive Paleontological resources. All grading activities are subject to the *County of San Diego Grading Ordinance Section 87.430*, if any significant resources (Fossils) are encountered during grading activities. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact the County Permit Compliance Coordinator with the Department of Planning and Land Use before continuing grading operations."

- b. "If **any** paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego Guidelines for Determining Significance for Paleontological Resources."
- c. "Prior to Rough Grading Inspection (SEC. 87.421) do the following: If **no** paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the director of Planning and Land Use stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources."

C. RESOURCE PROTECTION ORDINANCE – STEEP SLOPES

- 1. Grant to the County of San Diego an open space easement over portions of APN 392-070-02, as shown on the Open Space Easement Map for R08-001, P08-002, dated January 11, 2008. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space.

The sole exceptions to this prohibition are as follows:

- a. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

- b. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
- c. Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of Planning and Land Use.
- d. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Land Use of the County of San Diego.
- e. Construction, use, and maintenance of a (public street, private road, or driveway).
- f. Uses, activities, and placement of structures expressly permitted by the Director of Planning and Land Use, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.

D. TRANSPORTATION

- 1. Grant to the County of San Diego, an easement for road purposes that provides a right-of-way width of thirty-five feet (35') from centerline, plus slope rights and drainage easements along Lakeside Avenue for the frontage of the property. [The additional

five feet (5') width is for a bike lane]. The easement is to be accepted for public use.

2. Relinquish access rights onto Lakeside Avenue except for two (2) openings to the satisfaction of the Director of Public Works. The granting of right(s)-of-way and/or irrevocable offer(s) to be dedicated shall be free of any burdens or encumbrances which would interfere with the purpose for which the granting or offer of dedication is required. All access easements for any utilities must be plotted on the Plot Plan. To process the necessary irrevocable offer/right-of-way dedication/relinquishment documents, the applicant must submit all Deeds of Trust, Grant Deeds, Title Reports, and a minimum deposit for document processing fees to the Real Property Division.
3. Improve or agree to improve and provide security for Lakeside Avenue to a one-half graded width of thirty-five feet (35') with twenty-five feet (25') of asphalt concrete pavement over approved base and Portland cement concrete curb, gutter and 9.5 feet a disintegrated granite (DG) pathway behind the curb. Provide two (2) Portland cement concrete driveway aprons, street light(s), asphalt concrete acceleration/deceleration lane, and asphalt concrete dike taper to existing pavement. Provide all traffic striping including signage and/ or traffic control devices to accommodate "No Left Turn" restrictions for in and out access at the easterly driveway. All of the foregoing shall be to the satisfaction of the Director of Public Works and the Director of the Parks and Recreation. Face of curb shall be twenty-five feet (25') from centerline. The additional five feet (5') shall be used for a bike lane.

Secured agreements require posting security in accordance with Section 7613 of the Zoning Ordinance. They also require the improvements be completed by 24 months from the date approving the Major Use Permit or prior to use or occupancy of the facility, whichever is earlier. The Secured Agreement will be prepared by our Department after we receive the Roadway Improvement Plans, Engineer's Cost Estimate, and Grant Deeds for the subject properties, and any required deposits. If you represent a corporation, we require a corporate certificate indicating those corporation officers authorized to sign for the corporation. If you represent a partnership, we require a partnership agreement

recorded in this County indicating who is authorized to sign for the partnership.

4. Remove, realign and replace existing concrete driveway that serves adjacent property APN 392-070-04 and provide all onsite and offsite improvements as required and shown on the plans for accessing to Lakeside Avenue.
5. Provide "STOP" and "NO LEFT TURN" signs for an out turn movement from the easterly driveway exiting on Lakeside Avenue and "NO LEFT TURN" restrictions from the eastbound traffic traveling along Lakeside Avenue for entering into easterly driveway. All of the foregoing shall be to the satisfaction of the Director of Public Works.
6. Participate in the cost of traffic signal installation at the intersection of Lakeside Avenue and Highway 67. The amount of the developer's portion of the entire cost of the signal shall be \$620. The Planning Commission hereby determines that:

The fee is to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety;

- a. The fee will be used to contribute towards the installation of a traffic signal at the intersection of Lakeside Avenue and Highway 67;
 - b. The traffic signal will help mitigate the impact of additional traffic on this intersection caused by the project;
 - c. This project will contribute additional traffic to the intersection of Lakeside Avenue and Highway 67;
 - d. The fee of \$620 is based on an estimate of the percentage of traffic this project will contribute to this intersection.
7. The desired location of the centerline for Lakeside Avenue (SA 880) must be determined and used both for right of way grants and improvements required for this project. Lakeside Avenue is shown on the Circulation Element of the County General Plan as a Light Collector Road with Bike Lanes. The following shall be shown on the plats to be submitted with these plans and dedications:
 - a. The centerline location as approved by the Department of Public Works.

8. Demonstrate an effort of obtaining permit of the owners on adjacent property (APN 392-070-03) to relocate or replace with better visibility the existing fence, so that the adequate sight distance can be achieved from the proposed easterly driveway location, to the satisfaction of the Director of Public Works.
9. Obtain approval from the Department of Public Works for ~~of~~ a Truck Traffic Control Plan. Said plan will address haul routes, number of trips per day, hours of operation, and destination. If required by the Environmental Services Unit (ESU), execute an agreement with the County based on the truck routes whereby the applicant will repair those portions of the route damaged by the heavy loads that loaded trucks place on the route identified in the Truck Traffic Control Plan.
10. Dedicate an easement for road purposes for the benefit and use of the property owners of APNs 392-070-04, 392-090-01, 379-093-21, 379-093-22, and 379-130-06 for access to Lakeside Avenue. Recordation data for said easement shall be shown on the Plot Plan. This requirement applies to the existing private road/driveway serving the above properties located along the westerly boundary of the project.

E. HYDROLOGY/DRAINAGE

1. Submit plans for all public drainage improvements, which shall be prepared by a registered civil engineer and approved by the County of San Diego, Director of Public Works.
2. A recorded Waiver and Release Agreement shall be obtained from each property owner who is impacted by significant changes (to include diversion and concentration) in downstream flow characteristics resulting from grading, driveways or other improvements, to the satisfaction of the Director of Public Works.
3. Provide on-site and any necessary off-site drainage easements to the satisfaction of the Director of Public Works.

Mitigated Negative Declaration
R08-001, P08-002
ER Log No. 08-14-00

April 2, 2009

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ADOPTION STATEMENT: This Negative Declaration was adopted and above
California Environmental Quality Act findings made by the:

on _____

Donna Beddow, Planning Manager
Project Planning Division

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